

7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Dayton, Ohio

NCR Docket No. **9265.00**

**RENEWED PETITION
UNDER 37 C.F.R. § 1.47(a)**

Application of

Richard Cudd et al.

AUG 20 2002

Serial No. **09/943,118**

Group Art Unit: **2152**

Filed: **August 30, 2001**

Examiner: **Unknown**

For: **DOWNLOADING AND UPLOADING DATA IN INFORMATION
NETWORKS**

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on AUG 20 2002 (Date of Deposit).


Shirley Doll

Assistant Commissioner for Patents
Washington, D.C. 20231
Attn: Office of Petitions
Ms. Alesia M. Brown @ 703-305-0310

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SEP 04 2002

OFFICE OF PETITIONS

RENEWED PETITION UNDER 37 C.F.R. § 1.47(a)

This communication containing four (4) pages total is further to the "PETITION FOR FILING BY OTHER THAN ALL THE INVENTORS PURSUANT TO 37 C.F.R. § 1.47(a)" of March 4, 2002 in the above-identified application, and responds to the "DECISION REFUSING STATUS UNDER 37 CFR 1.47(a)" of June 21, 2002.

Applicant would like to respectfully point out that the declaration sent to each of the non-signing inventors was attached to the back of the specification, claims, and abstract, even though the letter from Christine Sheppard merely indicated that a declaration, assignment, and self-addressed envelope were presented.

In any event, Applicant has presented the non-signing inventors again with new sets of application papers to obtain their signatures. In this regard, enclosed herewith are a supplemental declaration of Christine Sheppard and a supplemental declaration of Michael

Chan which show that each non-signing inventor was presented with a complete copy of the application papers (specification, claims, drawings, and oath or declaration).

The Petitioner states that the last known address of the non-signing inventors are as follows:

Matthew A. Ward
Flat 2, 111-115 Cambridge Gardens
London W10 6JB

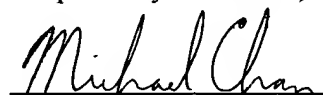
Roderick J.M. Macleod
21 Kerrington Court
148 Uxbridge Road
London W12 8AA

Michael Waller
1 Hayes Crescent
London NW11 0DG

If any additional information is needed to consider this renewed petition, please contact the undersigned.

Please charge any deficiency or credit any overpayment of fees to NCR Deposit Account No. 14-0225.

Respectfully submitted,



Michael Chan
Reg. No. 33,663
Attorney for Applicant(s)

NCR Corporation, Law Department, WHQ5E
1700 S. Patterson Blvd., Dayton, OH 45479-0001
Tel. No. 937-445-4956/Fax No. 937-445-3733

AUG 20 2002

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Assistant Commissioner for Patents
Washington, D.C. 20231
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Ms. Alesia M. Brown @ 703-305-0310

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OFFICE OF PETITIONS

SUPPLEMENTAL DECLARATION OF MICHAEL CHAN

Sir:

I, Michael Chan, being duly sworn, do hereby declare and state:

1. This declaration supplements my declaration which was signed on March 4, 2002 for the above-identified U.S. patent application, Serial No. 09/943,118, and which was submitted to the U.S. Patent Office on March 4, 2002.

2. On June 28, 2002 or thereabouts, three sets of U.S. patent application papers (including copy of specification, claims, drawings, declaration of inventors, and assignment for inventors) corresponding to the above-identified U.S. patent application, Serial No. 09/943, 118, were sent from the Dayton offices to the London offices of the Intellectual Property Section of the Law Department for subsequent forwarding to joint inventors Ward, Macleod, and Waller to sign the declaration and the assignment.

3. On August 16, 2002, a set of documents including Christine Sheppard's supplemental declaration and its accompanying exhibits were received from the London offices of the Intellectual Property Section of the Law Department.

4. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

WHEREFORE, I hereby subscribe by name to the foregoing declaration.

Signed at Dayton, Ohio this 19th day of August 2002.



Michael Chan
Reg. No. 33,663
Attorney for Applicant(s)

NCR Corporation, Law Department, WHQ5E
1700 S. Patterson Blvd., Dayton, OH 45479-0001
Tel. No. 937-445-4956/Fax No. 937-445-3733

AUG 20 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Dayton, Ohio

NCR Docket No. **9265.00**

Application of

Richard Cudd et al.

Serial No. **09/943,118**

Group Art Unit: **2152**

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Assistant Commissioner for Patents
Washington, D.C. 20231

Attn: Office of Petitions
Ms. Alesia M. Brown @ 703-305-0310

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SEP 04 2002

OFFICE OF PETITIONS

SUPPLEMENTAL DECLARATION OF CHRISTINE SHEPPARD

Sir:

I, Christine Sheppard, being duly sworn, do hereby declare and state:

1. This declaration supplements my declaration which was signed on February 25, 2002 for the above-identified U.S. patent application, Serial No. 09/943,118, and which was submitted to the U.S. Patent Office on March 4, 2002.
2. On July 1, 2002, three sets of U.S. patent application papers (including copy of specification, claims, drawings, declaration of inventors, and assignment for inventors) corresponding to the above-identified U.S. patent application, Serial No. 09/943,118, were received from the Dayton offices of the Intellectual Property Section of the Law Department for forwarding to inventors Ward, Macleod, and Waller, the inventors in the above-identified U.S. patent application, to sign the declaration and the

assignment (see Exhibit A for copy of cover letter received with the three sets of U.S. patent application papers on July 1, 2002). As of July 1, 2002, none of the aforesaid inventors was in the employ of NCR Corporation.

3. On July 2, 2002, the U.S. patent application papers received on July 1, 2002 from the Dayton offices of the Intellectual Property Section of the Law Department were forwarded to inventors Ward, Macleod, and Waller at their home addresses, which are "Flat 2, 111-115 Cambridge Gardens, London W10 6JB", "21 Kerrington Court, 148 Uxbridge Road, London W12 8AA", and "1 Hayes Crescent, London NW11 0DG", respectively, for execution by the inventors (see Exhibit B for a copy of the letters sent by Royal Mail Recorded Delivery to inventors Ward, Macleod, and Waller on July 2, 2002).

4. Confirmation of the delivery of mail packages to the address of inventor Mackay and to the address of inventor Waller (see Exhibit C) was received in the London office on July 17, 2002.

5. Royal Mail attempted to deliver the mail package to inventor Ward on July 4, 2002, but there was no reply at his last known address of "Flat 2, 111-115 Cambridge Gardens, London W10 6JB". A card was delivered to this address informing inventor Ward that a mail package could be collected from the North Kensington Sorting Office. As of today August 12, 2002, the mail package has not been collected.

6. As of today, August 12, 2002, the documents sent to inventors Ward, Macleod, and Waller on July 2, 2002 have not been returned to me.

7. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

WHEREFORE, I hereby subscribe by name to the foregoing declaration.

Signed at London, United Kingdom this 12th day of August 2002.

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OFFICE OF PETITIONS


Christine Sheppard

KINGDOM OF ENGLAND, CITY OF LONDON S.S.

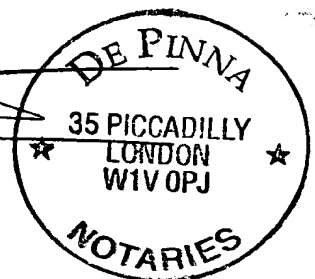
and sworn to ELEANOR FRANCES
Signed in the presence of ALISON FOSAN, Notary Public
of the City of London and England at large,
this 12th day of August 2002

E. F. A. FOSAN

Notary Public of London, England

Page 3 of 3

(My Commission expires
at death)





Intracorporation

Date: June 28, 2002

To: Christine Sheppard, Paralegal
Location: International IP Department, London, 6205

INT'L PATENTS

From: Michael Chan, Senior Attorney
Location: Law Department, Intellectual Property Section, WHQ5E
Phone: 937 445-4956; VP 622-4956
Fax: 937 445-3733; VP 622-3733
Email: Michael.Chan@DaytonOH.NCR.COM

- 1 JUL 2002

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Subject: **Docket No. 9265.00**

In regards to our conversation and your email today, enclosed are individual patent applications that have previously been reviewed by the inventor(s) and which has been filed in the U.S. Patent and Trademark Office, including a Declaration and Power of Attorney and individual Assignments for each inventor that requires their signatures.

With regard to the application documents, we have enclosed for each inventor:

- (1) a copy of the associated drawings;
- (2) a copy of the specification, claims and Declaration and Power of Attorney; and
- (3) a copy of the Assignment papers by which said application is assigned to NCR Corporation

With regard to the Declaration and Power of Attorney, please have the inventor(s) review the application, and if satisfied, their name should be signed in the space(s) provided, *exactly* as it is typewritten. A space for the date of signing is also provided for each inventor to fill in when signing. **Notarization is not required.**

The Assignment paper should also be signed and dated the same day the Declaration and Power of Attorney is executed. **Notarization is not required.**

All stapled material should remain stapled for filing in the United States.

We have received a notice from the USPTO requiring us to complete this application by filing a copy of the application signed by the inventors. A limited time is provided for us to comply with this requirement. Accordingly, please return the executed documents to our office **by August 12, 2002**, so that we can comply with the USPTO requirement.

Michael Chan

/sad
Enclosures



B

International Intellectual Property Department

July 2, 2002

NCR Limited
206 Marylebone Road
London NW1 6LY
Tel: 020 7723 7070
Fax: 020 7725 8333

Matthew A Ward
Flat 2
111-115 Cambridge Gardens
London W10 6JB

RECORDED DELIVERY

Dear Mr Ward,

Re: Application for Patent in US
Entitled: 'DOWNLOADING AND UPLOADING DATA IN INFORMATION NETWORKS'
Our Ref: 9265

Please find enclosed, a document of Assignment and a Combined Declaration & Power of Attorney attached to a copy of the specification, claims and drawings i.e. a complete copy of the application papers relating to the above identified application. These documents are urgently required by the United States Patent Office. I should be pleased if you would sign (exactly as typewritten) and date these documents where indicated. When completed, please return the documents to this office, an addressed envelope is enclosed for your use. If you would prefer to return the documents by courier please telephone me on 020 7725 8379 and I will arrange to have the documents collected from you.

Yours sincerely,

C Sheppard
Enc: Declaration
Assignment
Specification, claims and drawings
SAE



International Intellectual Property Department

July 2, 2002

NCR Limited
206 Marylebone Road
London NW1 6LY
Tel: 020 7723 7070
Fax: 020 7725 8333

Michael Waller
1 Hayes Crescent
London NW11 0DG

RECORDED DELIVERY

Dear Mr Waller,

Re: Application for Patent in US
Entitled: 'DOWNLOADING AND UPLOADING DATA IN INFORMATION NETWORKS'
Our Ref: 9265

Please find enclosed, a document of Assignment and a Combined Declaration & Power of Attorney attached to a copy of the specification, claims and drawings i.e. a complete copy of the application papers relating to the above identified application. These documents are urgently required by the United States Patent Office. I should be pleased if you would sign (exactly as typewritten) and date these documents where indicated. When completed, please return the documents to this office, an addressed envelope is enclosed for your use. If you would prefer to return the documents by courier please telephone me on 020 7725 8379 and I will arrange to have the documents collected from you.

Yours sincerely,


C Sheppard

Enc: Declaration
Assignment
Specification, claims and drawings
SAE

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SEP 04 2002

OFFICE OF PETITIONS



International Intellectual Property Department

July 2, 2002

NCR Limited
206 Marylebone Road
London NW1 6LY
Tel: 020 7723 7070
Fax: 020 7725 8333

Roderick Macleod
21 Kerrington Court
148 Uxbridge Road
London W12 8AA

RECORDED DELIVERY

Dear Mr Macleod,

Re: Application for Patent in US
Entitled: 'DOWNLOADING AND UPLOADING DATA IN INFORMATION NETWORKS'
Our Ref: 9265

Please find enclosed, a document of Assignment and a Combined Declaration & Power of Attorney attached to a copy of the specification, claims and drawings i.e. a complete copy of the application papers relating to the above identified application. These documents are urgently required by the United States Patent Office. I should be pleased if you would sign (exactly as typewritten) and date these documents where indicated. When completed, please return the documents to this office, an addressed envelope is enclosed for your use. If you would prefer to return the documents by courier please telephone me on 020 7725 8379 and I will arrange to have the documents collected from you.

Yours sincerely,

C Sheppard
Enc: Declaration
Assignment
Specification, claims and drawings
SAE

RECEIVED
SEP 04 2002
OFFICE OF PETITIONS

date 13 July 2002
your ref .
our ref NAT15528326



Ms C Shepherd
N C R Ltd
206-216 Marylebone Road
LONDON
NW1 6LY

Customer Service Centre
3rd Floor, RM A340
5 Almeida Street
LONDON
N1 1AW

Telephone 0845 7740 740
Website www.royalmail.com
Text Phone 0845 600 0606
(for the deaf and hard of hearing)

Dear Ms Shepherd

Thank you for your enquiry of 3 July 2002 about a Special Delivery item number SH 6869 3991 6 GB.

I can confirm that this item was delivered to that address on 3 July 2002 and a photocopy of the signature we obtained is enclosed.

If we can be of any further assistance, please do not hesitate to contact us on 0845 7740 740.

Yours sincerely

E. Smith
Customer Service Advisor

Enclosures : Photocopy

INT'L PATENTS

17 JUL 2002

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To ensure that we maintain the highest possible standards the service we provide to you is monitored on our behalf by a research agency. Each month telephone interviews are conducted with a sample of the customers with whom we have been in contact. If you would prefer not to be contacted please call Freephone 0800 652 5900 within 7 days of the date of this letter and quote the reference above.

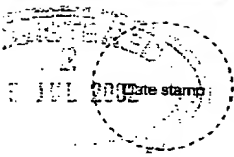
Royal Mail is a trading name of Consignia plc. Registered number 4138203.
Registered in England and Wales. Registered office: 148 Old Street, LONDON, EC1V 9HQ.



CONFIRMING YOUR DELIVERY

Affix the item barcode number and enter the time of delivery, or attempted delivery. The recipient must sign and print their name before the item is handed over.

Confirmed on track/trace
PHG initials



Walk	
ID 0031	Name

Number of items for delivery		Number of items undelivered	
Priority 2	Recorded	Returned	Pouched off

	Time 9 20	1	Print name M. G. KRON
	Check time and sig		
	Time 9 50	2	Print name J. [Signature]
	Check time and sig		
	Time 3	3	Print name [Signature]
			Check time and sig
	Time 4	4	Print name
			Check time and sig

date 13 July 2002
your ref
our ref NAT15528326/1



The Real Network

Customer Service Centre
3rd Floor, RM A340
5 Almeida Street
LONDON
N1 1AW

Telephone 0845 7740 740
Website www.royalmail.com
Text Phone 0845 600 0606
(for the deaf and hard of hearing)

Ms C Shepherd
N C R Ltd
206-216 Marylebone Road
LONDON
NW1 6LY

Dear Ms Shepherd

Thank you for your enquiry of 3 July 2002 about a Special Delivery item number SH 6869 3990 2 GB.

I can confirm that this item was delivered to an address in Shepherds Bush on 3 July 2002 and a photocopy of the signature we obtained is enclosed.

If we can be of any further assistance, please do not hesitate to contact us on 0845 7740 740.

Yours sincerely


Tim Watson
Customer Service Advisor

Enclosures : Photocopy

INT'L PATENTS

17 JUL 2002

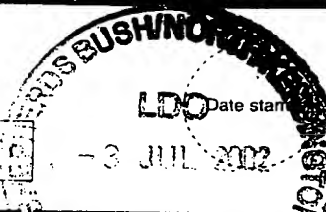
RECEIVED

Royal Mail

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Affix the item barcode number and enter the time of delivery, or attempted delivery. The recipient must sign and print their name before the item is handed over.

Confirmed on track/trace
PHG initials



Walk	
ID 45	Name JH

Number of items for delivery		Number of items undelivered	
Priority 3	Recorded 5	Returned 2	Pouches 1

RB 8434 5672 1GB SIGNED FOR	Time	1	Print name
			Check time and sign C. Soodh

SU 3858 5655 9GB 12pm signature	Time	2	Print name
			Check time and sign 12:00pm

RW 7741 8607 1GB SIGNED FOR	Time	3	Print name
			Check time and sign Silvia Digg-Freeman

SH 6869 3990 2GB 12.00pm sign	Time	4	Print name
			Check time and sign R. M. E.

Retain for one year

Version 2 July 01

P4550 Revised October 98

PRI 498024